

Application No. 09/347,390
Reply to Office Action mailed 02/08/2005
Filed June 8, 2005

Attorney Docket: C-6-5

REMARKS

Re. Reference to Priority and Related Applications in the Specifications

The first paragraph of page 1 of the specifications pertaining to the status of cross-referenced and related applications and or patents has been updated. Attached to this response is a list of related applications or patents that may present double patenting issues with the current claims. Accordingly, withdrawal of this objection is respectfully requested.

Re. Election/ Restrictions of Claims

The examiner's withdrawal of Claims 4, 5, 9, 12-14 and 18-22 and 27-40 from present consideration is acknowledged. However, the applicants reserve the right to reinstate these claims as part of additional species as provided by 37 CFR 1.141. In view of the withdrawals, the claims remaining under consideration are Claims 1-3, 6-8, 10-11, 15-17 and 23-26. For the reasons set forth below, it is believed that these claims as amended are in condition for allowance, which allowance is respectfully requested.

Re. Rejection of Claims under 35 U.S.C. §103 (a)

The Office Action states that Claims 1-3, 11 and 23-26 under 35 U.S.C. §103 (a) are unpatentable over U.S. Patent No. 5,389,096 to Aita et al (Aita), in view of U.S. Patent No. 5,902,289 to Swartz (Swartz). Claim 1 is amended to include the step of directing an electrically conducting fluid in a space between the active electrode surface and the target, and Claim 25 is amended to include the step of directing an electrically conducting fluid in a space between the distal end of the probe and the target site, as illustrated in Figures 1, 2A, 2C, 2E and 14 and disclosed, for example, at page 20, lines 31-34. In amending these independent claims, it is the applicants belief that neither Aita nor Swartz (singly or together) renders the claims unpatentable because Aita, pertaining to laser procedures and methods which does not require or teach the use of a conducting fluid, and Swartz, being involved with methods and procedures that require contacting the electrode directly with tissue, does not teach or suggest the use of an electrically conducting fluid in a space between the electrode and the target tissue, as set forth in the present claims. Accordingly, since Claims 2-3, 11 and 23-24 are dependant from Claim 1, and Claim 26

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is dependent on Claim 25, the dependent claims include the limitation of Claims 1 and 25. Accordingly, it is believed that all the claims as currently amended are allowable, which allowance is respectfully requested.

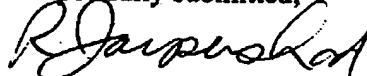
Re. The Non-Statutory Double Patenting rejection

Regarding Claims 8, 10, and 15-17 which have been rejected under the doctrine of obviousness-type double patenting, the applicants will commit to file a timely terminal disclaimer to overcome a rejection under this category if this in the remaining rejection in view of the present amendments.

CONCLUSION

In view of the present amendments and remarks, it is believed that the Application is in condition for allowance. Accordingly, reconsideration and allowance of the Application is respectfully requested. If an issue remains that can be resolved by telephone, kindly contact the undersigned at (408) 735-6486.

Respectfully submitted,



Raj Jaipershad,
Attorney for Applicant(s)
Reg. No. 44168

ArthroCare Corporation
680 Vaqueros Avenue
Sunnyvale, California 94085-3523

**ArthroCare Corporation
Related Co-Pending Applications**

Application No.	Filing Date	Application No.	Filing Date
09/293,231	16-Apr-1999	10/613,609	02-Jul-2003
09/314,247	18-May-1999	10/435,825	12-May-2003
09/338,842	23-Jun-1999	10/613,115	03-Jul-2003
09/347,390	06-Jul-1999	10/621,839	16-Jul-2003
09/354,835	16-Jul-1999	10/661,118	12-Sep-2003
09/372,454	11-Aug-1999	10/656,597	05-Sep-2003
09/457,201	06-Dec-1999	10/682,600	09-Oct-2003
		10/713,643	13-Nov-2003
09/501,327	09-Feb-2000	10/735,477	11-Dec-2003
09/512,742	24-Feb-2000		
09/562,496	01-May-2000	10/774,222	05-Feb-2004
09/562,650	01-May-2000	10/799,908	12-Mar-2004
09/586,295	02-Jun-2000	10/799,491	12-Mar-2004
09/679,394	03-Oct-2000	10/903,655	29-Jul-2004
09/709,035	08-Nov-2000	10/970,796	20-Oct-2004
09/747,311	20-Dec-2000	11/028,709	03-Jan-2005
		11/089,879	25-Mar-2005
09/771,299	25-Jan-2001	11/130,931	16-May-2005
09/796,094	28-Feb-2001	11/105,274	12-April-2005
09/839,427	20-Apr-2001	11/114,610	25-April-2005
09/963,736	03-May-2001	11/125,613	09-May-2005
10/072,599	05-Feb-2002		
10/097,763	13-Mar-2002		
10/139,117	03-May-2002		
10/175,555	18-Jun-2002		
10/187,733	27-Jun-2002		
10/264,308	02-Oct-2002		
10/288,227	04-Nov-2002		
10/290,930	07-Nov-2002		
10/291,213	08-Nov-2002		
10/339,470	09-Jan-2003		
10/367,608	13-Feb-2003		
10/372,591	21-Feb-2003		
10/374,411	25-Feb-2003		
10/384,050	05-Mar-2003		
10/389,159	13-Mar-2003		
10/621,839	16-Jul-2003		
10/437,260	13-May-2003		
10/402,728	28-Mar-2003		
10/392,529	20-Mar-2003		
10/389,159	14-Mar-2003		